IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

OP.No. 24821 of 1998(E)

PETITIONERS:
----

1. **RITHA, AGED 39 YEARS, W/O. T.J.THOMAS, THARAYIL HOUSE, NELLUVAI, ERUMAPPETTY.**

2. **T.J.THOMAS , AGED 47 YEARS, S/O. OUSEPH, DO. DO.**

BY ADV. SRI.K.P.SREEKUMAR
SRI.V.K.GANGADHARAN
SRI.S.GOPINATHAN

RESPONDENTS:
----

1. **THE RANGE OFFICER, FOREST RANGE OFFICE, WADAKKANCHERRY.**

2. **THE FORESTER, STATION – IN – CHARGE, ERUMAPPETTY FOREST STATION, ERUMAPPETTY.**

BY GOVERNMENT PLEADER SMT.T.B.RAMANI

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 03/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

tss

OP. NO.24821/1998

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE POWER OF ATTORNEY EXECUTED BY THE 1ST PETITIONER IN FAVOUR OF THE 2ND PETITIONER.

EXT.P2:- COPY OF THE LICENSE ISSUED TO THE PETITIONERS.

EXT.P3:- COPY OF THE NOTICE DT. 7.12.98 OF THE 2ND RESPONDENT.

EXT.P4:- COPY OF THE REPRESENTATION BY THE PETITIOENRS TO THE RESPONDENT.

/TRUE COPY/

P.A. TO JUDGE

tss

THOTTATHIL B.RADHAKRISHNAN, J.

O.P.No.24821 OF 1998

Dated this the 3rd day of October, 2007

JUDGMENT

The issue raised in this case is as to whether the petitioners' saw mill unit is within the prohibited area of Reserve Forest. The petitioners made Ext.P4 representation on 10.12.1998. The notification Ext.R1(a) produced along with the counter affidavit shows the limits of the forest area in question. Accordingly, there will be a direction that the first respondent will consider the stand of the petitioners that their establishment is not within the prohibited limits and render final decision on such question within an outer limit of three months from the date of receipt of a copy of this judgment. Let such a decision be taken after affording an opportunity of personal hearing to both or any of the petitioners.

The writ petition is disposed of with the above direction.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.

==========

THOTTATHIL B. RADHAKRISHNAN, J

O.P.NO.24821 OF 1998

JUDGMENT

3rd OCTOBER, 2007.

==========